

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 345 – SB 378

March 28, 2017

SUMMARY OF ORIGINAL BILL: Prohibits the death penalty as a possible sentence for defendants with a severe mental illness.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

SUMMARY OF AMENDMENT (006227): Deletes and rewrites the bill to limit the application of the proposed legislation to bipolar and major depressive disorders to instances when such orders are coupled with psychotic features and to authorize the state, but not the defendant, to appeal the trier of fact's determination on an interlocutory appeal.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Capital and non-capital defendants may currently assert mental health defenses. It is common practice for courts to conduct pretrial hearings related to mental health.
- The proposed legislation will not significantly impact court procedure.
- The Department of Mental Health contracts for mental health evaluations in various criminal matters. The cost of outpatient competency/not-guilty-by-reason-of-insanity evaluations is \$800. However, the Department reports that its current funding for these evaluations will accommodate any evaluations resulting from the proposed legislation.
- The proposed legislation does not create any new felony cases, but rather impacts sentencing. It is assumed that the proposed legislation will not significantly impact the operations of the courts, public defenders, and district attorneys.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/trm